

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
JULY 1, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenuee
Noah Mundt
Nathan Mackin, Alternate

COMMISSION ABSENT:

Jän Simon
Philip Alibrandi, Alternate

COUNCIL LIAISON PRESENT:

Scott September

STAFF PRESENT:

Sydney Bethel, Planner II
Stephanie Bubenheim, Senior Planner
Keith Newman, Planner II
Josh Rogers, Planner II
Amy Temes, Senior Planner
Eva Cutro, Planning Division Manager

RECORDER:

Dana Desing

CALL TO ORDER

Chair Brian Andersen called the July 1, 2020 Study Session of the Planning Commission to order at 5:36 p.m.

1. S20-06 VAL VISTA SQUARE REPLAT-PARCEL 1B AND MAIN STREET COMMONS PARCEL 5: Request to approve a Preliminary Plat and Open Space Plan for Val Vista Square, on approx. 34.11 acres located at the southeast corner of Val Vista Drive and Pecos Road in the Regional Commercial (RC) and Multi Family / High (MF/H) zoning districts with a Planned Area Development overlay district.

DR20-67 NOVEL VAL VISTA SQUARE: Site plan, landscaping, elevations, floor plans, lighting, and colors and materials for approximately 9.1 acres, generally located at the southwest corner of Rome Street and Pecos Road, and zoned Multi-Family / High (MF/H).

Senior Planner Amy Temes presented S20-06 Val Vista Square Replat-Parcel 1B and Main Street Commons Parcel 5, and Design Review DR20-67 Novel at Val Vista Square. Back in December 2019, this parcel of land was rezoned from Regional Commercial to Multi-Family/High and was the first multi-family high-density project in town under the new zoning district. The parcel is located at Pecos and Val Vista Roads and is approximately 9 acres. The Pre-Plat and Design Review presented tonight are consistent with the Development Plan that was approved back in December. Ms. Temes provided examples of surrounding buildings that are part of the Val Vista

Square development that follow the Design Guidelines booklet that was approved in 2014.

The reason for the Preliminary Plat is that the project has exceeded the number of times and number of parcels that land can be divided. Items that are typically in a preliminary plan, such as streetscape, landscape, walls, fences, and architectural design guidelines, were all covered under the previous design review. This Preliminary Plat is essentially pulling forward the Design Guidelines that were previously approved, and it is being updated with anything that was constructed since 2014. The parcels are being broken up into five new parcels. There are no outstanding concerns with the Pre-Plat, although it is being brought forward to show that it is consistent with everything in the previously approved Design Guidelines and to reiterate the colors and materials palette for reference.

The Site Plan is consistent with the Development Plan, it is 9 acres, 317 units, approximately 34.75 DU/Acre, with 462 parking stalls of varying configurations. An Administrative Use Permit has been submitted for 45 guest parking and on-street shared parking spaces. As the project to the east comes online, those parking stalls will come off the road and will be absorbed into that project, and that streetscape will be reconfigured to match the remaining development. The majority of the landscape plan has been predetermined in the Design Review being brought forward to the Preliminary Plat, and the connectivity is consistent with previously approved Design Review for Val Vista Square.

The applicant prefers the gray, white, and beige color palette and staff has worked with the applicant to add some texture and contrast. There will be two brick patterns, a stacked bond pattern in tan and a running bond pattern in white to create vertical texture. The applicant has added dark bronze corrugated metal accents to correspond to the metal railings and awnings. Wood accents have been added under the canopies and awnings. Those additional elements warm up the colors and add texture to the overall palette.

Building B is the large building facing Pecos Road and Rome Towers. Staff was concerned with the amount of gray on this elevation. The applicant has added some contrasting brown metal features to break up the stucco. The end elevation facing Pecos Drive is the most visible from the public and staff feels there is a lot of gray stucco on the upper levels. The palms trees shown on the renderings are for graphic purposes only. Normally, major arterials lined with canopies are frowned upon. In this case, there are 10 to 12 parking canopies between Pecos Road and the back of Building B facing Rome Towers. Staff suggested adding some perforated metal screening in bronze or green screen every so often to break it up, although it is only 350 feet of streetscape window view with the wings of the building obstructing some of that view. Originally, there was a garage building for parking along the streetscape. The landscape palette along Pecos Road has been predetermined for the trees in the Design Guidelines with Evergreen Elm and Seedless Mesquite. Some of the trees are deciduous or semi-deciduous and will allow a view to the buildings. Staff would like feedback on whether the Commission feels the property is sufficiently screened along the road.

Building A is located along the south side of the main drive and wraps around the pool and

amenity area. There is an open-air entry corridor through the building to the pool/amenity area with colorful banners. The end elevations provide articulation through various materials. The leasing office on the corner is articulated with the contrasting brown materials.

Building C faces east along the streetscape facing the main drive. It is internal to the Val Vista Square project and will not be very visible from the surrounding arterials once other development occurs in the area. Staff felt it had a good block massing of the white and tan brick materials. Staff appreciated the variety of materials and colors on the internal parking lot side. Staff had asked the applicant, without creating a pattern, to vary the garage doors or add windows to provide some articulation. The applicant has articulated some of the doors to break up the at-grade elevation.

Buildings E is a remote parking garage building assigned to certain units. It is the only gabled roof building in the complex. Being internal to the development, this building will not be visible from the surrounding streets once development to the south occurs.

Buildings D1 and D2 are the west-facing carriage units that feature a patio outside the front door shaded by a balcony above. The materials include cement fiberboard in gray, the stacked bond brick and the bronze corrugated metal at the doors to the upper units. Staff liked how the applicant incorporated the metal feature to screen the staircases and break up the elevations.

Regarding the Design Review, Staff is seeking input from the Commission regarding the colors, materials, and textures, the architectural elevations facing Pecos Road, screening of the parking canopies, the general architecture, and the updated garage doors.

PRE-PLAT QUESTIONS/COMMENTS:

Commissioner Cavenee was considering the overall fit of this parcel into the existing site and how it will tie back into Val Vista. He did not see any curb cuts or breaks proposed. How will it circulate down to the ring road to the south? He felt this was deviating slightly from the circulation in the Design Guidelines.

Ms. Temes pointed out on the Development Plan the two main north-south connectors through the project and one major east-west connector through the middle of the project. The roundabout is being developed by Aldi. She pointed out the locations of the curb cuts and breaks on the site plan, the access to the north parking lot from the east and west, the on-street parking on the main, east and west drives, and the access into the south parking area from the east and west.

Commissioner Cavenee asked if the developer of the northwest parcel would develop the circulation route from this parcel back to Val Vista with another curb cut.

Ms. Temes stated there is currently a curb cut for the VA Clinic with access stubbed to the north. There will be a cut-through from this project to the west. Other than the secondary entry, there will be no other curb cuts on Pecos Road. There will be a right in, right out off of Val Vista that is yet to be developed that was agreed upon before 2014. Until the northwest corner is

developed, we cannot be sure how the circulation pattern will lay out, so we are staying flexible. We know those connections will occur and where the stub points will occur.

Commissioner Cavenee asked if all of these parcels were owned by separate entities?

Ms. Temes explained that the VA Clinic is owned by one entity, Unison Bank owns its property, Aldi owns its property, and the remaining parcels are still under a single ownership. The northwest parcel is under a single ownership. The parcel south of the multi-family is under the ownership of Val Vista Square and the large parcel to the east is under the Park Corporation ownership. She believed the apartments were still under contract with the Park Corporation growth partners to buy that parcel, contingent upon the Design Review.

Commissioner Cavenee appreciated the explanation. He noted the kick out to Val Vista with a gabion structure and retention basin.

DESIGN REVIEW QUESTIONS/COMMENTS:

Commissioner Cavenee asked about the separation of the parcel interior to Parcel 2 in the northeast corner. He understood there were parking canopies that will act as a separator, but asked what other features will separate that parcel from the residential.

Ms. Temes stated the goal for the project is to not have separation, but to be a true horizontal mixed-use project. In the future, there may be a vertical component. They were not encouraging any walls or fences. If there is any separation, it will be through the landscape.

Commissioner Cavenee felt the parking canopies were fine as they are for screening purposes. As the landscaping matures it will conceal it well enough. Too much screening will take away from the theory of keeping the project more open. He was okay with the color palette, as long as enough of the dark brown accent is incorporated into some of the lighter grays. He felt enough was done through texture to create balance and attractiveness. He was fine with the garage door articulation.

Vice Chair Bloomfield liked the building. He understood the lighter colors were a concern to staff, although he felt it was in keeping with what is popular right now. He felt it was attractive and was very excited about the project and what it represents for this property that has been vacant for a long time. This will be the anchor that will spur development around it.

Chair Andersen liked the project now that he has seen the building elevations. He was not thrilled with the quality of the renderings in the packet as they did not adequately explain the buildings. He agreed with Vice Chair Bloomfield on the cooler colors. He asked about the difference between the two groups of colors shown in the Design Guidelines.

Ms. Temes stated the intent of the palette was to express varying desert tonal materials and some have different textures and patterns. The area contains mostly tans, taupes and creams. Alliance Bank came in with bright white and they were asked to change to a cream to blend in better with

the palette. The bright white and gray being proposed are very different from other projects in the area. Staff has been working with the applicant to find ways to blend it.

Chair Andersen liked the colors proposed and felt they were trending right now, although there are approved colors and materials for the area. He will support what staff decides. He did not have any problem with the carports along the arterial because of the use. The apartment project is required to provide a certain number of carports and there is not a whole lot of opportunity on the site to move things around. He was fine with the garages as well.

2. Discussion of Regular Meeting Agenda:

Chair Andersen reviewed the items on the Consent and Non-Consent agendas. It was suggested to move Item 15, DR20-24 Recon Office Building, to the Consent agenda.

Planner Sydney Bethel advised that DR20-24 will be continued to August 5, 2020 due to technical issues with the applicant. The agenda was updated to reflect that change.

Chair Anderson agreed to move Item 15, DR20-24, to the Consent agenda for continuance.

ADJOURN STUDY SESSION

With no further business before the Commission, Chair Andersen adjourned the Study Session at 6:08 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

TOWN OF GILBERT
PLANNING COMMISSION - REGULAR MEETING
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
July 1, 2020

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenee
Noah Mundt
Jän Simon
Philip Alibrandi, Alternate
Nathan Mackin, Alternate

STAFF PRESENT:

Sydney Bethel, Planner II
Stephanie Bubenheim, Senior Planner
Ashlee MacDonald, Senior Planner
Keith Newman, Planner II
Josh Rogers, Planner II
Amy Temes, Senior Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott September

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	DR19-193	2	Approved
Ashlee MacDonald	DR20-75 (DR18-98-S-A)	3	Approved
Ashlee MacDonald	FM20-01	3	Approved
Ashlee MacDonald	S20-01	4	Approved
Stephanie Bubenheim	DR20-09	4	Approved
Stephanie Bubenheim	DR20-25	5	Approved
Josh Rogers	DR19-99	6	Approved
Ashlee MacDonald	S19-11	6	Approved
Ashlee MacDonald	Z20-03	7	Approved
Sydney Bethel	DR20-24	17	Continued

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the July 1, 2020 Regular Meeting of the Planning Commission to order at 6:21 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance

ROLL CALL

Planning Division Manager, Eva Cutro, called roll and determined that a quorum was present.

3. APPROVAL OF AGENDA:

Chair Andersen confirmed that there were no requests to move items and called for a motion.

MOTION: Vice Chair Bloomfield moved to approve the Agenda as written; seconded by Commissioner Simon. **Motion passed 7-0.**

COMMUNICATIONS

4. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no requests to speak.

5. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS:

Councilmember Scott September reported that Town Council has approved the Fiscal Year 2020-21 budget. Anticipated COVID impacts had to be built into the budget and all numbers had to be reassessed. We have built-in a stairstep reduction as we learn what the COVID impacts will be.

Gilbert Regional Park is on schedule to complete construction of 6 tennis, 16 pickleball, and 2 basketball courts this month.

Our Director of Economic Development, Dan Henderson, has been asked to give this board a presentation on the historic district and the vision for that area. That presentation will be ready for the August 5 Planning Commission meeting.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Andersen read the Consent Calendar, Items 6. DR19-193 Higley Self Storage, 7. DR20-75 (DR18-98-S-A) Gilbert Regional Park MSP, 8. FM20-01 Warner Meadows, 9. S20-01 Warner Meadows, 10. DR20-09 Central Arizona Supply/Potato Barn Amendment (DR17-1040), 11. DR20-25 Greystar Active Adult Apartment Homes, 12. DR19-99 Milling Machinery, and 13. S19-11 Berge Val Vista North, and called for a motion.

6. DR19-193 HIGLEY SELF STORAGE: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 2.16 acres, located at the northeast corner of Higley Road and Santan 202 Freeway, and zoned Regional Commercial (RC).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR19-193, Higley Self Storage: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 2.16 acres, generally located at

the northeast corner of Higley Road and Santan 202 Freeway, and zoned Regional Commercial (RC), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 1, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Roof scuppers shown are for emergency overflow only. Roof drainage must be internalized.
5. The emergency access easement through the adjoining property to the south and the shared access easement with the property to the north shall be recorded prior to issuance of a building permit.
6. With the submittal of construction drawings, the private sewer line shall be relocated outside of Public Utility Easement (PUE) and a private sewer easement shall be created.
7. With the submittal of construction drawings, the applicant shall revise the 12" waterline easement shown to reflect Town of Gilbert Engineering standard and provide a 15' easement. The water line shall be located 7.5' off the property line.
8. With submittal of construction drawings, the concrete wheel stops shall be removed.
9. Applicant shall submit to the Town of Gilbert Planning Department a copy of the approved Arizona Department of Transportation (ADOT) plans for the emergency access and right-of-way improvements in front of the project prior to issuance of a Town of Gilbert building permit. Any modifications made as part of the ADOT permitting process will require review and approval of a Design Review amendment.

7. DR20-75 (DR18-98-S-A) GILBERT REGIONAL PARK MSP: Gilbert Regional Park Master Sign Plan for approximately 98 acres, generally located at the southwest corner of Higley and Queen Creek Roads, and zoned Public Facilities/Institutional (PF/I).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-75, Gilbert Regional Park MSP: Gilbert Regional Park Master Sign Plan for approximately 98 acres, generally located at the southwest corner of Higley and Queen Creek Roads, and zoned Public Facilities/Institutional (PF/I), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 1, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. All signage will require a sign permit.

8. FM20-01 WARNER MEADOWS: Request to approve modifications to separation fence requirements on approx. 94.2 acres generally located at the northeast corner of Recker and Warner Roads, and zoned Single Family - 7 (SF-7), Single Family - 6 (SF-6), Single Family - Detached (SF-D) and Single Family - Attached (SF-A) all with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Make the Findings of Fact and approve FM20-01, Warner Meadows: Request to approve modifications to separation fence requirements on approx. 94.2 acres generally located at the northeast corner of Recker and Warner Roads, and zoned Single Family - 7 (SF-7), Single Family - 6 (SF-6), Single Family - Detached (SF-D)

and Single Family - Attached (SF-A) all with a Planned Area Development (PAD), subject to the following conditions.

1. The Project shall be in substantial conformance with the site plan and wall detail shown on the Exhibits provided under Attachment No. 4.

9. S20-01 WARNER MEADOWS: Request to approve Preliminary Plat and Open Space Plan for Warner Meadows, for 476 home lots (Lots 1-476) on approx. 94.18 acres located at the northeast corner of Warner and Recker Roads in the Single Family - Attached (SF-A), Single Family - Detached (SF-D), Single Family - 6 (SF-6) and Single Family -7 (SF-7) zoning districts all with a Planned Area Development Overlay zoning district.

STAFF RECOMMENDATION

Approve the Findings of Fact and S20-01, Warner Meadows: Preliminary Plat and Open Space Plan for Lennar Homes for 476 home lots (Lots 1-476) on approx. 94.18 acres located at the northeast corner of Warner and Recker Roads in the Single Family - Attached (SF-A), Single Family - Detached (SF-D), Single Family - 6 (SF-6) and Single Family -7 (SF-7) zoning districts all with a Planned Area Development Overlay zoning district, subject to the following conditions.

1. The Final Plat and Open Space Plans for Warner Meadows and construction of the project shall be in substantial conformance with Exhibits 5, preliminary plat and Exhibit 6, the Open Space Plan approved by the Planning Commission/ Design Review Board at the July 1, 2020 public hearing.
2. Future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.
3. The applicant shall execute a reclaimed water agreement with the Town prior to construction.
4. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of any development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."
5. All final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the notice described in condition 4 above
6. Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in Condition 1 with letters of at least one (1) inch in height.
7. Any proposed permanent or temporary structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard shall be provided, if applicable.

10. DR20-09 CENTRAL ARIZONA SUPPLY/POTATO BARN AMENDMENT (DR17-1040): Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 4.9 acres, generally located at the southwest corner of Wade Road alignment and Williams Field Road, and zoned General Commercial (GC).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-09, CAS Potato Barn Amendment (DR17-1040-A): site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 4.9 acres, generally located at the southwest corner of Wade Drive alignment and Williams Field Road and zoned General Commercial (GC), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 1, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Approval is contingent upon an approved Administrative Use Permit Amendment (AUP20-15) to modify the approved AUP17-1023 to reduce parking requirements for the Arizona Central Supply business.
5. As applications for development, redevelopment or change of use occur for the 4.93 acre site, the proposals must be in compliance with parking requirements, standards, and the Administrative Use Permit, as may be amended.
6. If the 4.93 acre site is subdivided, a shared vehicular pedestrian and parking easement will be required for the Final Plat.
7. Prior to issuance of a building permit, any necessary on-site and/or off-site easement(s) to the east (commonly known as the Cooley Property) shall be recorded for the loop water line, or an alternative must be agreed upon with the Town Engineer.

11. DR20-25 GREYSTAR ACTIVE ADULT APARTMENT HOMES: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 13.89 acres, generally located at the northwest corner of Recker Road and Somerton Boulevard, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-25, Greystar Active Adult Apartment Homes: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 13.89 acres, generally located at the northwest corner of Recker Road and Somerton Boulevard and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 1, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Approval is contingent upon approved Administrative Use Permit (AUP20-18) to reduce parking requirements for a multi-family age restricted use. The project shall be restricted by covenant or deed restriction as an age restricted use.
5. Prior to construction document (CD) approval the applicant shall submit to Planning Staff plans for the Landscape and Pedestrian Access Easement including but not limited to pedestrian and

- bicycle pathways, landscape, lighting, and amenity improvements such as benches and trash receptacles for the pedestrian connection corridor.
6. The egress driveway shall remain an “Exit Only” gate with a pressure plate used on the interior side of the gate.
 7. Prior to construction document (CD) submittal the applicant shall provide Planning Staff with updated photometric lighting cut sheets with bollard lighting that is similar to approved Gateway Character Area bollard lighting.
 8. Prior to construction document (CD) submittal the applicant shall provide Planning Staff with update garage building elevations for review.

12. DR19-99 MILLING MACHINERY: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 2.17 acres, generally located south of the southeast corner of McQueen and Baseline Roads, and zoned General Industrial.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR19-99, Milling Machinery: Site plan, landscape, grading and drainage, elevations, colors and materials, for approximately 2.17 acres, generally located south of the southeast corner of McQueen and Baseline Roads, and zoned General Industrial, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 1, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Prior to construction document submittal, the applicant shall grant a Roadway Easement to the Town for any section of the sidewalk located outside of the right-of-way.
5. Applicant shall provide Planning with revised plans, prior to construction document submittal, depicting an 8’ Public Utility Easement adjacent to the W. Melody Dr. and N. Pioneer St. right-of-way.
6. Applicant shall provide Planning with revised plans, prior to construction document submittal, depicting 23’ to the back of curb (Per Figure 4-11 of the Public Works and Engineering Standards) half street cross section for W. Melody Dr. and a 24’ minimum pavement width for N. Pioneer St. The curb and sidewalk shall match the existing sidewalk to the south.

13. S19-11 BERGE VAL VISTA NORTH: Request to approve a Preliminary Plat and Open Space Plan for Maracay Homes, for 485 home lots (Lots 1-485) on approx. 162.08 acres located at the northwest corner of Val Vista Drive and Ocotillo Road in the Single Family - 8 (SF-8), Single Family - 7 (SF-7), Single Family - 6 (SF-6) and Single Family - Detached (SF-D) zoning districts with a Planned Area Development (PAD) overlay zoning district.

STAFF RECOMMENDATION

Approve the Findings of Fact and S19-11, Berge Val Vista North: Preliminary Plat and Open Space Plan for Maracay Homes for 485 home lots (Lots 1-485) on approximately 162.08 acres, generally located at the northwest corner of Val Vista Drive and Ocotillo Road in the Single Family - 8 (SF-8), Single Family - 7 (SF-7), Single Family - 6 (SF-6) and Single Family - Detached (SF-D) zoning districts with a Planned Area Development (PAD) overlay zoning district, subject to the following conditions.

1. The Final Plat and Open Space Plans for Berge Val Vista North and construction of the project shall be in substantial conformance with Exhibits 5, preliminary plat, Exhibit 6, the Open Space

- Plan and Exhibit 7, the Phasing Plan approved by the Planning Commission/ Design Review Board at the July 1, 2020 public hearing.
2. Future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.
 3. The northernmost taper on the west side of 148th Street shall be modified to have a taper length of 150 ft.
 4. The southernmost taper on the west side of 148th Street shall be modified to have a taper length of 195 ft
 5. The applicant shall execute a reclaimed water agreement with the Town prior to construction.

MOTION: Vice Chair Bloomfield moved to recommend approval of Consent Agenda Items 6. DR19-193 Higley Self Storage, 7. DR20-75 (DR18-98-S-A) Gilbert Regional Park MSP, 8. FM20-01 Warner Meadows, 9. S20-01 Warner Meadows, 10. DR20-09 Central Arizona Supply/Potato Barn Amendment (DR17-1040), 11. DR20-25 Greystar Active Adult Apartment Homes, 12. DR19-99 Milling Machinery, and 13. S19-11 Berge Val Vista North; seconded by Commissioner Simon. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. Anyone wishing to comment on a Public Hearing item must fill out a public comment form, indicating the Item Number on which to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

- 14. Z20-03 TRILOGY AT POWER RANCH: Request to amend Ordinance No. 1450 to amend the conditions of development within the Trilogy at Power Ranch Planned Area Development overlay zoning district (PAD) for approx. 5.74 acres located at 4369 E. Village Parkway, consisting of 5.74 acres of Public Facilities/Institutional (PF/I) zoning district with a PAD as shown on the exhibit (map) available for viewing in the Planning Services Division. The request is to allow a deviation in the development standards along the north and west property boundaries reducing the building and landscape setbacks to 10ft.**

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z20-03 amending Ordinance No. 1450 on 5.74 acres of Public Facilities/Institutional (PF/I) zoning district with a PAD, subject to the following conditions.

- a. The Development plan for Power Ranch PAD dated December 11, 2002 and adopted under Ordinance 1450 shall remain in full force and effect with the following modification on the 5.74 acre subject site:

Development Standard	Power Ranch PAD Subject site (attachment 3)
<i>Building and Landscape Setbacks:</i>	
Front	10'
Side (west)	10'

Chair Andersen stated this item is recommended to be continued to a future hearing date, although there are a lot of residents waiting to be heard on this item. He suggested that a motion to continue be made, but to hold the vote until after the presentations and public comments.

Commissioner Alibrandi disclosed that he does have an in-law who lives at this property. He stated regardless of what happens here, there will be no property value impact. He has checked with the town attorney and it is her opinion that there is no conflict. He went on record at last month's Planning Commission hearing in support of private ownership doing what they want with private property, however, having reviewed the 141-page file and additional letters from homeowners in dissent, he is back to neutral. It is not the role of the Planning Commission to ensure that HOA boards follows their own CC&Rs and governance procedures. Staff is to review and endorse town policy only. From the file, however, it appears that the board may not have followed the plan according to plurality a few years ago, and there is question of whether they have followed budget procedures as well. However, this is not in the Commission's portfolio. There is significant homeowner pushback, which is in our portfolio. It is one of our roles to approve or disapprove changes to ordinances on behalf of Town Council. He did not think it was advisable, knowing some of these issues in the record, to approve any changes by the town until there is clarity by the HOA board of directors at Trilogy about homeowner dissatisfaction with noise and property value diminution.

MOTION: Commissioner Alibrandi moved to continue Z20-03 Trilogy at Power Ranch until the September 2, 2020 Planning Commission hearing to allow the Trilogy Board to address the significant neighborhood concerns on noise mitigation and property value diminution.

Chair Andersen reminded the public that this item will most likely be voted to continue to the September hearing and they will also have that opportunity to voice their concerns. He invited the applicant to address the Commission.

APPLICANT STATEMENT:

Adam Baugh, Withey Morris, PLC., wanted to address some of the comments mentioned and alluded to in the motion. The Board of Directors at Trilogy has been working on this case since 2014 when it was approved by the voters to improve these courts. There has been significant involvement and participation from the community since then, include meetings in 2016, 2017, 2018, 2019, 2020, and as recently as last Friday. Any insinuation that there has not been sufficient notice for participation is incorrect. With regard to questions related to noise impacts, that has been addressed through a noise study which was submitted to the community and town staff. Questions regarding the site layout, parking, and design are all part of a subsequent Design Review, but have also been part of this discussion since the beginning. He suspected that the interest generated here does not reflect the actual reality. In a meeting in February, the overall majority of people significantly supported this case. In a board meeting last Friday, the overall majority of people supported this case. The Board entertained a motion to move forward with this application as recently as last Friday, which was approved 6-1. It is also important to know and highlight that the matter before the Commission today is a setback reduction. The matter to come before the Commission in the future will be the Design Review case. Questions regarding design layout, sound walls, noise attenuation, lighting, parking, etcetera, are all part of the subsequent DR case. Today's hearing is about a PAD amendment to reduce setbacks. He felt what has prompted this continuance is that someone created an alternate plan that they wanted to be considered by the town. That alternate plan was brought before the board for consideration. The board evaluated that plan and found significant deficiencies which would require four additional zoning processes with the town. As a result, the board again affirmed the desire to proceed with the plan in front of the Commission today. This plan has been in place and has been approved time and time again. There is a significant number of people who expressed interest in participating in this meeting who are gathered in person and online who desire a hearing today.

COMMISSION COMMENTS:

Vice Chair Bloomfield would like to hear from the public and felt it presumptuous to state that this will likely be continued and then open it up for public hearing. That motion has not been seconded or voted on. He asked to keep the meeting in order and felt it was appropriate that people have the opportunity to provide their input as would be afforded them in a hearing.

Chair Andersen offered the information as a courtesy to members of the public who have been online waiting to speak to give them the option of speaking tonight or returning in September if it is continued. If the motion dies and the item is not continued, we can repeat the whole process with presentations and public comments.

Mr. Baugh did not know what was expected to change between now and a potential hearing in September. The application is a request for a setback reduction on the PAD. The application will remain the same.

Commissioner Alibrandi respected Mr. Baugh's opinion on the overwhelming support, but the record we have may indicate otherwise. Without the variance tonight, the current plan is moot. It would give the Trilogy Board of Directors an opportunity to ensure that the neighborhood objections to noise and property diminution would be properly and thoroughly addressed and to have some of the significant letters of dissent in the file withdrawn. In his opinion, having read the record, it is not as clear cut as the applicant might indicate.

Town Attorney Nancy Davidson advised that the item is not a variance but a deviation request, which is a huge difference. Also, if the motion to continue fails or is voted down, the Commission would be free to make a different motion.

PUBLIC COMMENT:

Chair Andersen opened the floor for public comment.

Ernie Nervegna stated he was requested to be at hand for questions, but had no comments at this time.

Requests to speak were received from Gary Shaughnessy and Daniel Morrissey. The phone lines were opened up to the public, although no comments were made.

COMMISSION DISCUSSION:

Chair Andersen closed the Public Hearing and brought the discussion back to the dais. He asked for the Commissioners' thoughts on voting on the continuance versus hearing the case tonight.

Commissioner Cavenee did not see a reason to delay the matter. It sounds like a minor deviation to allow for these courts and there will still be a full design review. To Mr. Baugh's point, what will change with the request if it is continued. It is only a deviation to a setback. It does not involve use permits or any specific physical features. It was reviewed by the Commission in Study Session with a very thorough discussion and he did not recall any issues that had not been addressed, including sound walls, lighting shields and other items. He has not read the report that Commissioner Alibrandi referred to, although he has not heard anything that would justify deferring the case.

Chair Andersen asked about the specific resident concerns, whether those were related to zoning with the deviation setback or the design of the project.

Town Attorney Nancy Davidson recommended, since there are questions from the Commission, continuing the public hearing process and then considering the motion to continue.

Chair Andersen advised that the item before the Commission tonight is strictly a deviation for a setback. The Design Review case will come back before the Commission and would be a more appropriate time for residents to voice their concerns on the design of the project. The motion to continue did not receive a second and

therefore cannot be considered. The Commission will proceed tonight with the normal hearing process to include presentations from staff and the applicant followed by discussion and public comment.

Chair Andersen opened the Public Hearing and invited staff to give their presentation.

STAFF PRESENTATION:

Senior Planner Ashlee MacDonald presented zoning case Z20-03 Trilogy at Power Ranch, located on a portion of the overall Power Ranch PAD, which is about 1,300 acres. Trilogy is an active adult community of approximately 672 acres located south of Queen Creek Road directly off of Ranch House Parkway. There are two existing courts on either side of the main driveway into the clubhouse. The two on the east were originally designed as tennis courts and the court on the right has been striped to accommodate eight pickleball courts. On the west side, there are two dedicated tennis courts. The applicant has submitted a PAD amendment request on a 5.74 acre portion of the Power Ranch PAD zoned Public Facilities/Institutional with a PAD overlay (PF/I/PAD) in order to reduce the front and west side setbacks to 10 feet. Staff is currently reviewing a Design Review (DR) case for the reconfiguration of those courts and the addition of a restroom building and shade structures. Once the Town Council has taken action on the rezoning request, the DR case will come back before the Planning Commission for public hearing with another opportunity for public comment.

The requested modification is to reduce the front and west side building setbacks from 25 to 10 feet, and the landscape setback from 25 feet on the north and 15 feet on the side down to 10 feet. The proposed Development Plan shows the reconfiguration of the courts. More detail is provided in the Design Review application. The setback exhibit shows the current setback requirement and the approximate areas of encroachment of the courts and fences, as well as a sound wall on the eastern boundary of the site.

There have been a number of public meetings with discussion on the phasing, the noise impacts of pickleball, the noise study, the sound wall, and the setback changes and impacts. The project is planned in one phase. Staff included 10 public comments in their report. Five additional comments were received from residents after the report and were provided to the Commission via Dropbox. Staff received 24 comment cards against the project and 77 for the project. A comment card from Patrick Carmody stated we never voted for the increase amount and are against it.

Staff recommends approval of the request and believes the additional courts will serve the community. The request meets all of the required findings.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Mackin asked if any of the public comments were from residents immediately to the east of the pickleball courts.

Ms. MacDonald stated there are a number of comments and letters from residents in proximity to the pickleball courts. Not all of the cards provided addresses. There have been concerns expressed through the neighborhood meetings specifically from residents immediately to the east because of their proximity.

Commissioner Mundt noted that most of the comments stated they didn't approve this plan. What is before the Commission now has nothing to do with the specific plan or number of courts, but simply to allow a reduction in the setbacks. He noted there would be a time when this Board would vote to approve that plan.

Ms. MacDonald stated the requests are tied together in that if the applicant was not proposing these configurations and these courts, the setback reduction would not be required. There has been a lot of concern from the community about the Trilogy board process. That vote happened in 2014 and the configuration has changed slightly. She cannot answer the question of whether or not that was done appropriately by the Trilogy board.

Attorney Nancy Davidson explained that although part of the Commission process is considering neighbor concerns. However, in the role of the Commission tonight for approval of this item, whether the HOA acted within the scope of its authority or not is not a factor or reason for denial or approval. Those are two separate items. The citizen concern is a critical part of approval or denial. There has been no indication that there was any type of improper action that we are aware of.

Commissioner Mundt understood that the residents are saying that the scope of this project was expanded and that is the reason for requesting the variance. If the variance is approved and then the residents say they don't want these extra courts, the approval does not tie them to having to build this configuration. They can simply go back to the old design. Is that correct?

Ms. MacDonald stated that was correct. Part of approving a PAD is the development plan. During staff's review, we will make sure it is substantially in conformance with the development plan that we see now.

Attorney Davidson specified that although it sounds like a minor technicality, it is not a variance they are applying for tonight but a deviation, which is something that can be done with an overlay. The reason why it is important to state that it is a deviation, is because a variance is a much harder standard to reach legally by meeting certain qualifications.

Commissioner Alibrandi noted on the east property as the two courts are rotated from a north-south orientation to east-west, there was a buffer there. That buffer will be right up against that sound wall with properties on the other side. How big is the existing buffer today?

Ms. MacDonald did not know the answer. As it moves forward through the Design Review, she will include that information. It is in a very similar location, although the orientation has shifted.

Commissioner Alibrandi noted this is one of the issues that has changed. The original plan of 2014 showed a vertical orientation for the courts. When that orientation is spun around, it brings the courts very close to those properties to the east. Understanding that this is a setback deviation, if there is another opportunity for people to sort this out with their own board and bring it to this Board through the Design Review, he would be willing to withdraw his intent to request a motion to continue and we can move forward with this item. The Design Review may be a more appropriate time to discuss the neighborhood concerns regarding noise and property diminution.

Chair Andersen appreciated that. He reminded everyone that on the zoning case, the Commission only provides a recommendation to Town Council, so there are two layers of oversight. Town Council will have the final vote and then the Design Review case will come before this Commission to go through the same process.

Chair Andersen asked why the deviations were being requested and how that relates to the site plan.

Ms. MacDonald stated the request is to reduce the setbacks only on the front and west side, not on the east where the pickleball courts are. There are currently only two courts, and the plan is to shift those to the north and a little to the west to accommodate a third court and add a restroom building and shade structures.

Chair Andersen understood that the purpose was to be able to get the courts inside of the setback.

Ms. MacDonald stated the sports fence will be within the setback, although the restroom building and shade structures will not be within the setbacks.

Vice Chair Bloomfield spoke with the attorney on this case prior to the meeting, and he had indicated that at some point there was a design revision that would not require this 10-foot deviation to be on the west side and that it was only along Ranch House Parkway. Was staff aware of that?

Ms. MacDonald stated the most recent submittal of the Design Review does include those courts shifting further to the south. It has not gone through the full review process with staff yet. Staff will make sure there is nothing in the design or the comments that would shift them back to the currently proposed location. Staff has seen and

a plan has been submitted that shows that shift. Staff thought it best not to make changes to the PAD, considering it has not been fully reviewed from a code perspective to make sure this new plan still works.

APPLICANT PRESENTATION:

Chair Andersen invited the applicant to give a presentation.

Applicant Adam Baugh noted the importance for an active adult community to stay competitive, vibrant, and up to date with current trends and technologies, particularly with the new active adult communities that have come in at Eastmark. If a 20-year old community like this does not stay current, it will quickly become outdated. The current trend is to add pickleball, a growing sport with 3.3 million players across the country. Sixty four percent of those players are 55 or older. Trilogy has over 200 pickleball club members and it is one of the fastest growing clubs in Trilogy. There is a need to have both tennis and pickleball courts. This is a PAD, and PADs are specifically designed and intended to have deviations. It was originally zoned PAD in 1997, and there have been amendments to the PAD in 1999, 2000, and 2003. In almost every circumstance, they have modified development standards. The request before the Commission today is to again modify the development standards for a 10-foot setback along East Village Parkway, which is a private tract. This deviation will allow for better utilization of the open space recreational area and provide the things that are needed after 20 years of operation, including new restrooms, new gathering spaces, refreshment areas, and additional sport courts.

There have been comments that alleged this had not been voted on. The formal vote in 2016 shows that 67% of the membership approved the request to spend funds to repurpose the courts and add two courts. In 2017-18 an advisory design committee was formed and criteria was established for what this future development would look like. A Design Review was submitted a year ago in August of 2019 and staff came back to us in September and stated we had to adjust the PAD setbacks to accommodate the Design Review. In February 2020, we submitted the PAD Amendment. As recently as last Friday, we had a chance to yet again review another proposal by a member of the community. In order to give that proposal fair consideration, the board held a special meeting to evaluate that plan and voted 6-1 to deny it and move forward with the current plan. This proposal includes three dedicated tennis courts, two pickleball area courts with a total of six courts, and a multi-use court that will be shared between tennis and pickleball. The current proposal includes the required service areas, netting, lighting, and specific dimensions for the courts as well as the over-run area.

Today, there are 8 pickleball playing fields. We are proposing to replace those 8 with 6 pickleball courts by adding 2 new courts in the center near the drive aisle. We are not changing or removing the pickleball that has been played on the east side since 2014. That is the only area where pickleball has been played and will continue to be the only area where pickleball will be played along with the multi-use court. We are not bringing an impact that has not existed for the last six years. Since the June Planning Commission Study session, we have modified our proposal and pulled the courts down a little bit. We used to have a reduction of 15 feet on the west side, now it is down to 14 or 15 inches. The courts on the east side are no closer after this proposal than they are presently located today. The pickleball that is being played there today, will still be located there after this approval. The setback deviation on the north side does not change the pattern or proximity on east side.

Questions about noise are to be expected in this process. Pickleball has always been played on the east side and the western courts have always had tennis play. There are a lot of other things occurring that cannot be seen on the map. It is right next to a golf course, there is a tee box, driving range, and putting green, there is tennis play, automobiles, and airplanes, which all create a lot of ambient noise. It is important to consider all of those other things that are occurring. A noise study was conducted and shared with the community. Additional measuring was done since the last study session in June. The study assessed whether the noise of the pickleball would exceed the town code standards. The noise was measured at five different locations next to existing residences. The findings were that the noise does not exceed the town code requirement of 55 dBA, and mitigation measures were recommended with an 8-foot sound wall along the east side in response to concerns raised by the homeowner to the east.

All lighting on the courts will be shielded away from adjacent properties, and the photometric study showed that the lighting does not exceed the allowed limit of .3 footcandles at the property line. Because the court on the east side is no closer than it is today and the court on the west side will effectively be observing the setback short of the extra 12 or 14 inches, the status quo remains the same.

This proposal does not reduce the existing parking. This development has an Administrative Use Permit that was approved for a parking reduction which was offset with 42 golf cart spaces. We have found a way to add the courts that were voted on in a way that will not bring it below the 75% landscape requirement or reduce the required parking. The alternative plan not only reduced the landscaping beyond that threshold, but also reduced significant parking. This is the right solution. The shade canopies in the current proposal match the existing shade canopies on the bocce ball courts which are next to the tennis courts.

The alternative plan was said to observe all setbacks required by code, create tremendous cost savings, and be efficient with regard to time. Once the plan came before the Trilogy board for consideration, it was found to have a lot of issues. The pickleball courts were too small and were not the preferred court size, which may lead to safety and space issues. There was poor court access and ADA access limitations around some of the buildings. The sun shades were not correctly oriented. The fatal flaw in the alternative plan was that the setbacks were not measured correctly. They were measured from the back of the curb instead of the property line, which would move the courts into the drive aisle and parking field.

Their plan tries to flip the pickleball from the east side to the west side. That does not change the nature of pickleball, but affects the historical play that has always occurred on the east side. The alternative plan would restart the process as it would require a variance for the landscape requirement below 75 percent, a variance for the landscape requirement on the west side, a variance from the north setback, and a new administrative use permit to reduce the parking.

There has been significant participation and involvement with this community since 2014 through community meetings, presentations as well as through electronic communications. The current plan makes sense as the community members voted because they needed new courts and because the demand for pickleball has skyrocketed. This fulfills that need, although the only way to make it work without reducing parking or the landscape requirement is to adjust the setbacks a little bit. We have reduced the setback deviation on the west side and added a sound wall on the east side. We are not moving the courts on the east side any closer than they exist today, and the current 8 pickleball courts on the east side will now become 6 pickleball courts.

This proposal is necessary to stay competitive with other active adult communities, it is a resident amenity with strong user demand. It was voted on by the community and the board. There are capital acquisition funds as well as R&R funds that were approved and allocated for this purpose. It has tremendous support as evidenced by the number of comment cards in favor. Town staff supports this request. All that is being asked for is a deviation of the setback along the street, which will not change the substance or layout. There will be a future opportunity at the Design Review hearing to evaluate the layout and any questions regarding lighting, parking and noise.

Because there has been a comment that the board has not followed procedures, Mr. Baugh offered to have the former President of the Trilogy board outline the process if the Commission so desired.

Chair Andersen felt that was not necessary at this time, although if it should become necessary, they will have that opportunity.

QUESTIONS FROM COMMISSION:

Commissioner Alibrandi heard Mr. Baugh say there would be no change to the eastern boundary, yet from the aerial, it clearly appears that the buffer that appears today will be changed when those two courts are reoriented and moved to the far east wall and the sound wall will be created. He asked if he was missing something on the aerial view.

Mr. Baugh pointed out the sidewalk along the edge of the aerial today showing the court at the corner of that sidewalk. The sidewalk will remain and the sound wall will still be in the same location on the west side of the sidewalk.

Commissioner Alibrandi stated he will stand down until the Design Review.

Mr. Baugh stated if there is a change, it is literally inches.

Commissioner Mackin referred to the correspondence in the packet from the law firm representing the discontented homeowners and the response from the association law firm which appeared to be refusing a second or alternative acoustic analysis during a pickleball tournament. What is the association's representation?

Mr. Baugh believed that attorney was hired by Bob Hartley, a resident to the east, but was unsure who else in the community that attorney represents. They did attempt to submit a noise study done by another party, although they did not come out and take actual measurements on the property, only wrote an opinion. Our noise consultant took measurements in two different locations and conducted modeling. Those were two different types of studies, one that is accurate based on on-site measurements and another that is based on opinion.

Commissioner Mackin noted the attachment said that the association explicitly refused to allow them to conduct the analysis and sent a cease and desist letter. He asked for an explanation.

Mr. Baugh asked the former board president to speak to that part of the process.

Wayne Norlie, 4695 East Narrowleaf Drive, Gilbert, stated there was a request for their sound person to come out on day when a pickleball tournament was scheduled to raise funds for the Gilbert and Queen Creek fire departments. That tournament raised \$4,000 for first responders. We said no, but offered to have them come back at another time. If they would give us a date, we would set it up. That was never done.

Mr. Baugh referred to the letter from the association attorney stating that the association would be happy to arrange a date and time for testing to occur, but the charity event for local firefighters is simply not the forum.

Commissioner Mackin asked for the reason the charity event would not be an appropriate time to measure the sound if it is a time that a pinnacle of sound from pickleball would be occurring.

Mr. Norlie stated the association was only given two days advance notice that they wanted to take measurements and we had already worked everything out with the fire department. It would be disruptive to our ability to handle the fundraiser. That is the reason we said we would be happy to have them come out any other time and that we could arrange for as many pickleball players as they wanted. They chose not to.

Commissioner Mackin asked how it would be disruptive to the tournament.

Mr. Norlie stated the event organizer felt it would be disruptive because people might be out on the courts at the time they were doing testing.

PUBLIC COMMENT:

Chair Andersen opened the floor to the public for comments.

Ernie Nervegna, 4518 East Sourwood Drive, Gilbert, stated the alternate proposal brought to the board last week had the pickleball courts closer to the homes than they are presently on the east side. The group of people who said the noise was too severe the east side want to move the courts to the west side closer to the homes than they are today. He wanted the Commission to be aware of that as they look at the proposal. If the noise is such an issue, why are they okay with moving it to the other side of the complex closer to the homes than they are today. It is not logical. We are looking at the setback request tonight and nothing else. The design will be presented in the future when it is completed.

Dan Poole, 4288 East Ficus Way, Gilbert, has been a Gilbert resident for 10 years and recently moved to Trilogy a little over a year ago. He has played recreational and competitive pickleball from St. Cloud, Minnesota to Seattle, Washington, San Antonio, Texas, and down the coast of California. He has played on many types of courts from poor to the courts at Indian Wells Tennis Garden where the national pickleball tournament is routinely held. He plays daily at either Pecos Park in Ahwatukee or the Tempe Park courts which are a 20 to 30 minute drive. The Trilogy courts are some of the worst he has played on. He asked the Commission to approve this proposal so Trilogy can move forward to improve the safety and quality of their courts.

APPLICANT REBUTTAL:

Mr. Baugh felt it was important to understand that this really is a decision made by the board that was voted on by members of the community. The advisory committee put forth a recommendation to the board on the design. That recommendation was voted on by the board and eventually the funds were approved and set aside and will continue to be approved once the final construction dollars are identified and calculated. To Commissioner Mundt's comment, this approves an opportunity for a setback reduction. At the end of the day, courts have to be constructed and a budget has to be signed off. If the budget is not approved, the courts will not go forward. To be able to have a community with 20-year-old courts and to remain competitive with other active adult communities, this is what the community has asked for, even if there are some folks who are against it. Clearly from the speaker cards, there are more folks in support. A survey was asked for, which showed 70 percent in support. This is an important matter for these folks who have been working on this for many years and they look forward to the Commission's decision.

PUBLIC COMMENTS RECEIVED VIA EMAIL:

Eva Cutro, Planning Division Manager, stated that several written comments were received today that she will read into the record.

Willis Bultje and his wife Jean own a home in Trilogy. About five years ago, Mr. Bultje served served on the pickleball club board of directors for two years, and served as president for one year. Based on directions from the then board of directors and management, he led an annual fundraising campaign two years in a row for the specific purpose of raising money to assist in funding pickleball courts and amenities such as restrooms, water fountains, storage areas, lights, and shade for social gathering and observing competitions. During those two years, we raised almost \$20,000 for such purposes, which funds are currently being held in the TPR Foundation financial accounts. The need for new pickleball and tennis courts was evident well over five years ago and has been exasperated by the deterioration of the court surfaces. The demand for pickleball courts has increased over the past five years as it has become the fastest growing sport in the nation, specifically for active seniors. This is true in Trilogy as well. He and his wife support the Trilogy at Power Ranch board of directors' request to amend Ordinance 1450.

Frank Rossi resides in the Trilogy subdivision and respectfully objects to the zoning variance request regarding the proposed tennis and pickleball courts. Alternate plans that meet Town of Gilbert zoning requirements have been considered and rejected by Trilogy's administrator and trustees. This variance poses a nuisance to surrounding residents and adds to the limited shared parking problems that our neighbor shares with Trilogy.

Greg Walter and Bev Love stated we do not support the request for several reasons. The entire and expanded sports plan expansion plan was not voted on by all homeowners to fund. The loss of attractive greenbelts and stone arbors as architectural interests on arrival entry will be more loss of curb appeal. The expansion will include tall unattractive and institutional appearing chain-link fence along the entry to the clubhouse like a tunnel and may obstruct traffic in the four way stop. Town of Gilbert pickleball and tennis courts with lights are now available at the Gilbert Regional Park on Higley Road. The current entry to our community does not need additional one-story storage buildings, restrooms, social buildings, or sunshields over bleachers with more red

tin roofs. The request for code and setback variance is not consistent with the original Town of Gilbert plot plan or the master planned community plans. Increased noise and proposed noise abatement walls will also look unattractive on entry. Too much hardscape with no relief of green grass, mounding grass, trees or bushes will adequately decrease the sound that will carry throughout the neighborhood. Please vote no on this proposal as the elected representatives of Gilbert homeowners.

Luvena (no last name provided) states as a homeowner in Trilogy at Power Ranch she is very concerned that the sport courts under review at this time are not the plan we the residents previously voted on several years ago. Much has been added to the original plan voted on. She hoped the Commission would not approve this item.

APPLICANT REBUTTAL:

Mr. Baugh felt it was very disingenuous to suggest some of the things we just heard. The residents voted on the funds to add two new sport courts and then a sports court advisory team was formed to lay out the criteria and what those courts and amenities would look like. That committee was tasked with presenting this to the board for approval. There is not a mechanism in the board's provisions and policies to present every single subtle change to the community for approval. That is why there is a board and an advisory committee that makes recommendations to the board. The residents have voted to approve the funds for this and voted to allow an advisory committee to design it. The board then considers that committee's recommendation and they have approved it. That is what is brought before this panel today.

Chair Andersen closed the Public Hearing and brought the discussion back to the dais.

COMMISSION COMMENTS:

Commissioner Simon understood that what is before the Commission tonight is a zoning amendment. Based on that, he saw no reason not to approve the zoning amendment. If the community takes a vote, the community is approving whatever that design is. Obviously, there may be some aspects that we need to take into consideration at a later date. He would allow them the ability to make that decision and take that to their community for a vote. He would be in favor of allowing the zoning amendment to move forward tonight and we will see the Design Review again at a later date.

Commissioner Mackin felt the applicants have done a good job of explaining themselves and their process. He did not have an issue with the deviation or the design itself, but would be concerned about and would need additional evidence presented at a later date that this will not have a significant material effect on those residents, their property values and the enjoyment of their property to the east. That is an important point to drive home. He would also urge the association now and in the future to take a much softer handed approach with those discontented residents. That would make their lives a lot easier and not cause such a disturbance in this process in getting something that should benefit the community altogether. It seems like that board is unanimous for the improvement of those courts and the amenities. It seems that there needs to be some compromise that would please even more people. He would highly encourage speaking with those residents to see what kind of concessions could be made that would satisfy some of those residents.

Commissioner Mundt agreed with Commissioner Simon's comments and would agree to the request. There are times when there are people who are against a certain measure that we sometimes lose sight of the number of citizens who are in favor and the corollary to how an HOA is managed and the rights that people within an HOA have based on the terms and conditions agreed to when they bought a home. Those terms state if changes are made, the board will approve them through a certain process. By no means are we supporting that process here. It would be his objective to not get in the way of what appears to be a bunch of citizens who are very much in favor of this at this time. We can get into the meat of the rest of that discussion at the Design Review.

Commissioner Cavenee thought the impact of the new layout was explained relative to the current impact. There are fewer courts and an 8-foot sound wall. From the aerial and the design plan, it is, as was mentioned by

Mr. Baugh, inches at most. With the reduction in the number of courts, the increase of the sound wall situation, and no real proximity change, he thought they were doing their best to mitigate it. It is a very thoughtful plan and it has taken several years to get to where it is. He saw no reason to stand in the way of a deviation to the setback. He was in support of the request.

Vice Chair Bloomfield, having listened to the comments tonight, is leaning very favorably toward approving the request. Staff has reviewed it, it has been in process for four years, and it seems to have all of the i's dotted and t's crossed, at least for the deviation to the PAD. This is not a new process in the Town of Gilbert, it is not a new process to the PAD that was approved originally for Trilogy at Power Ranch. He thought the Commission would be standing in the way of progress if we don't vote on it and move it forward and allow them to get at least this cog in this big process machine taken care of.

Chair Andersen entertained a recommendation for Council.

MOTION: Vice Chair Bloomfield, for the reasons set forth in the staff report, moved to recommend approval to Town Council for Z20-03 Trilogy at Power Ranch, as requested, subject to the conditions listed in the staff report; seconded by Commissioner Cavenee. **Motion carried 7-0.**

Chair Andersen thanked everyone for their time and patience on this case. He reminded residents that the vote was to recommend approval to Council. If residents want to be heard again, they will have an opportunity to voice their concerns at the Council hearing on August 25, 2020. The Design Review case will come back before this Commission.

15. DR20-24 RECON OFFICE BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.75 acres, generally located at 62 South William Dillard Drive, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Move to continue DR20-24, Recon Office to August 5, 2020.

MOTION: Vice Chair Bloomfield moved to continue DR20-24, Recon Office Building, to the August 5, 2020 public hearing; seconded by Commissioner Simon. **Motion passed 7-0.**

ADMINISTRATIVE ITEMS

16. Planning Commission Minutes - Consider approval of the minutes of the Study Session and Regular Meeting of June 3, 2020.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of June 3, 2020; seconded by Commissioner Cavenee. **Motion passed 7-0.**

COMMUNICATIONS

17. Report from Chairman and Members of the Commission on current events:

Chair Andersen felt it was nice to have most of the Commission members together on the dais, except for the two who joined virtually. He hoped to see everyone next month.

18. Report from Planning Services Manager on current events:

Eva Cutro thanked everyone for their patience with the Webex remote meeting format.

ADJOURNMENT

Chair Andersen adjourned the Regular Meeting at 7:46 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary